

***United States Court of Appeals
for the Second Circuit***



**SUPPLEMENTAL
APPENDIX**

ORIGINAL

75-1435

United States Court of Appeals

For the Second Circuit.

UNITED STATES OF AMERICA,

Appellee.

-against-

FRANCISCO LI GANOZA,

Appellant.

BMS

SUPPLEMENTAL APPENDIX

HAROLD O. N. FRANKEL

Attorney for Appellant

253 Broadway

New York, N.Y. 10007

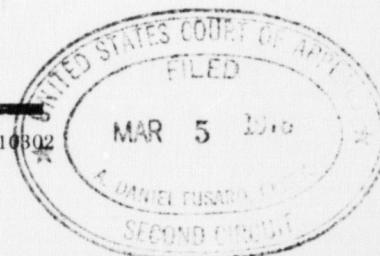
(212) 267-1122

JERALD ROSENTHAL

Of Counsel on the Brief



DICK BAILEY PRINTERS, 290 Richmond Ave., Staten Island, N.Y. 10302
Telephone: (212) 447-5358



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United States of America vs. Lam Lok Chong a/k/a

United States District Court for

Southern District of New York

DEFENDANT

t/n Lam Lok Chong

DOCKET NO. *74 Cr. 246*

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 243 (8/74)

In the presence of the attorney for the government
the defendant appeared in person on this dateMONTH DAY YEAR
Dec. 18, 1975

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived a right of counsel.

☒

WITH COUNSEL

Michael Corriero

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE,☒

NOT GUILTY

FINDING &
JUDGMENT

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged.☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of unlawfully, intentionally and knowingly combining, conspiring, confederating and agreeing with others to violate Sections 812, 841(a)(1), 841(b)(1)(A), 951(a)(1), 952(a), 960(a)(1) and 960(b)(1) of Title 21, U.S. Code. It was part of said conspiracy that the said defendant would import into the United States from a place outside thereof, to wit, Hong Kong, large quantities of heroin, a Schedule I narcotic drug controlled substance. (Title 21, U.S. Code, Sections 846 and 963.)

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of EIGHT(8) YEARS, pursuant to the provisions of Title 21, Section 841, U.S. Code, the defendant is placed on Special Parole for a term of 2 1/2 years, to commence upon expiration of confinement.

SENTENCE
OR
PROBATION
ORDER

The Court recommends that the sentence imposed in this case be served concurrently with the sentence imposed upon the defendant in the New York Supreme Court and that if the Attorney General finds that the state institution to which he is committed for service of the New York sentence is suitable for the service of a Federal prison sentence, that he serve this sentence at that state institution, pursuant to the provisions of Section 4082(b) Title 18, the Court further recommends that confinement at Metropolitan Correction Center be continued, until the completion of any medical test the defendant may be undergoing at the institution.

SPECIAL
CONDITIONS
OF
PROBATIONADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

COMMITMENT
RECOMMEN-
DATION

It is ordered that the clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other suitable officer.

SIGNED BY

☒ U.S. District Judge
☐ U.S. Magistrate

Charles A. Henry

Date

Dec 18, 1975

United States of America vs. Yuk Choi Chung
 a/k/a Da Chan Southern District of New York
 DEFENDANT t/a Yuk Choi Chung
 DOCKET NO. 100 Cr. 846

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 240 (8/74)

In the presence of the attorney for the government
 the defendant appeared in person on this date

MONTH Dec. DAY 18 YEAR 1975

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived a right of counsel

☒ WITH COUNSEL

Gilbert S. Rosenthal

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that
 there is a factual basis for the plea,

☐ NOLO CONTENDERE

☒ NOT GUILTY

There being a finding/verdict of ☐ NOT GUILTY. Defendant is discharged
☒ GUILTY. interpreter-P ilip H. Chan

FINDING &
JUDGMENT

Defendant has been convicted as charged of the offense(s) of unlawfully, intentionally and knowingly combining, conspiring, confederating and agreeing with others, to violate Section 812, 841(a)(1), 841(b)(1)(A), 951(a)(1), 952(a), 960(a)(1) and 960(b)(1) of Title 21, U.S. Code. It was part of said conspiracy that the said defendant would import into the United States from a place outside thereof, to wit, Hong Kong, large quantities of heroin, a Schedule I narcotic drug controlled substance. (Title 21, U.S. Code, Sections 846 and 963.)

through interpreter, Jeffrey H. Chan
 The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of FIVE (5) YEARS, pursuant to Section 3651 of Title 18, U.S. Code, as amended, with provision that the defendant be confined in a JAIL TYPE INSTITUTION for a period of THREE (3) MONTHS, as provided in the aforesaid Section. Execution of the remainder of the sentence is suspended. Defendant is placed on probation for a period of FOUR (4) YEARS and NINE (9) MONTHS, subject to the standing probation order of this Court.

SENTENCE
OR
PROBATION
ORDER

**SPECIAL
CONDITIONS
OF
PROBATION**

Pursuant to the provisions of Section 841 of Title 21, U.S. Code, defendant is placed on **SPECIAL PAROLE** for a period of **THREE (3) YEARS**. Period of probation and special parole are to run concurrently with each other, and to commence upon expiration of confinement.

Bail pending appeal is continued, on condition that the defendant promptly prosecutes his appeal in accordance with the rules of this Court and the rules of the Court of appeals for this Circuit.

**ADDITIONAL
CONDITIONS
OF
PROBATION**

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, issue a warrant and revoke probation for a violation occurring during the probation period.

**COMMITMENT
RECOMMEN-
DATION**

The court orders commitment to the custody of the Attorney General and recommends:

It is ordered that the clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

Charles V. Penny

Date

Dec 18, 1975

United States of America vs.

United States District Court for

Fro Isaac Li Choza

Southern District of New York

DEFENDANT

DOCKET NO. ➔

74 Cr. 846

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 249 (6/74)

In the presence of the attorney for the government
the defendant appeared in person on this dateMONTH DAY YEAR
Dec. 18 1975

COUNSEL

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒

WITH COUNSEL

Harold M. Frankel

(Name of counsel)

PLEA

☐ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE,☒ NOT GUILTY

There being a finding verdict of

☐ NOT GUILTY. Defendant is discharged☒ GUILTY. Interpreter- Philip K. ChanFINDING &
JUDGMENT

Defendant has been convicted (as charged of the offenses) of unlawfully, intentionally and knowingly combining, conspiring, confederating and agreeing with others to violate Sections 812, 841(a)(1), 841(b)(1)(A), 951(a)(1), 952(a), 960(a)(1) and 960(b)(1) of Title 21, U.S. Code. It was part of said conspiracy that the said defendant would import into the United States from a place outside thereof, to wit, Hong Kong, large quantities of heroin, a Schedule I narcotic drug controlled substance. (Title 21, U.S. Code, Sections 846 and 963.)

through interpreter- Philip K. Chan.

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of SEVEN (7) YEARS, on count one (1). Pursuant to the provisions of Title 21, Section 841, U.S. Code, the defendant is placed on Special Parole for a term of THREE (3) YEARS, to commence upon expiration of confinement.

Count two is dismissed on motion of defendant's counsel with the consent of the Government.

SPECIAL
CONDITIONS
OF
PROBATIONADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years, re-arrest, issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends:

To be delivered to the Clerk deliver
to the U.S. Marshal
and commit to the U.S. Mar-
shal or other authorized agent.

SIGNED BY

☒ U.S. District Judge

☐ U.S. Magistrate

Charles T. Tenny

Date

DEC 18, 1975



AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK,
COUNTY OF RICHMOND ss.:

EDWARD BAILEY being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 286 Richmond Avenue, Staten Island, N.Y. 10302. That on the 5 day of March, 1976 at No. 1 *St. Andrews Place* deponent served the within *Supplemental Affidavit* upon the *U.S. Attorney* herein, by delivering a true copy thereof to 1 personally. Deponent knew the person so served to be the person mentioned and described in said papers as the *Appellant* therein.

Sworn to before me,
this 5 day of March 1976

Edward Bailey
.....
Edward Bailey

William Bailey
.....
WILLIAM BAILEY

Notary Public, State of New York
No. 43-0182945

Qualified in Richmond County
Commission Expires March 30, 1976